

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

**DEFENDANTS' MOTION TO FILE UNDER SEAL
DEFENDANTS' OPPOSITION TO CLASS PLAINTIFFS'
MOTION TO STRIKE THE KPMG MEMO AND EXHIBITS 1-4**

Pursuant to Rule 6 of the Administrative Procedures for Electronic Filing in Civil and Criminal Cases, Section 6(C)(7) of the Court's Procedures and the Parties' Stipulation and Protective Order (ECF Nos. 174, 190), Defendants Alta Mesa Resources, Inc., Riverstone Holdings, LLC, Harlan H. Chappelle, Stephen S. Coats, Michael E. Ellis, William D. Gutermuth, James T. Hackett, Pierre F. Lapeyre Jr., David M. Leuschen, Donald R. Sinclair, Ronald J. Smith, Jeffrey H. Tepper, Thomas J. Walker, and Diana J. Walters (together, "Defendants") hereby request leave of Court to file under seal the unredacted version of the following: Defendants' Opposition to Class Plaintiffs' Motion to Strike the KPMG Memo with accompanying Exhibits 1-4 (the "Protected Materials").

BACKGROUND

On June 1, 2021, the parties filed a Stipulation and Protective Order, which the Court approved on August 17, 2021 (the "Protective Order") (ECF Nos. 174, 190). The Protective Order allows the parties to designate certain sensitive materials as "Confidential" or "Confidential – Attorney's Eyes Only." ECF No. 190 ¶¶ 4-9. If a party

later files a document that it has designated “Confidential” or “Confidential – Attorney’s Eyes Only,” the party must file a motion to file under seal pursuant to the Court’s procedures and the Protective Order. *Id.* ¶ 24.

When a party files designated materials under seal (as required by Paragraph 24 of the Protective Order), the parties must “meet-and-confer” before, or within five (5) business days of, the filing “to discuss whether any or all of the documents require being submitted under seal, or should remain under seal.” *Id.* ¶¶ 14, 24. If the parties “are unable to reach agreement, the party objecting to the filing under seal may file a motion to unseal.” *Id.* ¶ 14.

Pursuant to the Protective Order, counsel for Defendants notified all parties on February 8, 2024 of their intent to file their Opposition to Class Plaintiffs’ Motion to Strike the KPMG Memo and accompanying declaration, appendices, and exhibits under seal. No parties oppose the motion.

ARGUMENT

This Court maintains “supervisory power” over its own docket and should act to deny public access to documents “where court files might . . . become a vehicle for improper purposes.” *SEC v. Van Waeyenbergh*, 990 F.2d 845, 848 (5th Cir. 1993) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Courts routinely seal the sensitive business and financial information of parties, recognizing that such information is subject to use for “improper purposes.” *See Udoewa v. Plus4 Credit Union*, 754 F. Supp. 2d 850, 884 (S.D. Tex. 2010) (granting a motion to seal where “[t]he excerpts from the [documents] at issue contain extensive financial information of a sort that is often

kept confidential") (citing *Cooper Tire & Rubber Co. v. Farese*, 2009 WL 514071, at *1 (N.D. Miss. Feb. 27, 2009) (sealing "sensitive financial documents")).

CONCLUSION

Pursuant to Paragraph 24 of the Protective Order, the Protected Materials "must be filed under seal on CM/ECF." Protective Order ¶ 24. Defendants therefore request that the Court grant this unopposed Motion to Seal and order the Protected Materials to remain sealed.

APPENDIX OF MATERIALS TO BE SEALED

Ex. No.	Description
-	Defendants' Opposition to Class Plaintiffs' Motion to Strike the KPMG Memo
1	February 7, 2023, Excerpted Deposition Transcript of Kaye Rasmusson (KPMG 30(b)(6)) (Class)
2	2018 Alta Mesa Resources, Inc. Form 8-K, filed with the SEC on July 9, 2018
3	July 6, 2018, KPMG Engagement Letter to Alta Mesa Resources, Inc. (AMR_SDTX00806090)
4	May 16, 2019, Email from Hershell Cavin to Mark Zajac, et al. re: US DPP Clearance Form FDC No. US-19-05-9340 Alta Mesa Resources Inc. (with attached KPMG Memo) (CP-020, KPMG-AMH-ea201 8YE0006922)

Dated: February 9, 2024

Respectfully submitted,

By /s/ J. Christian Word _____

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CERTIFICATE OF SERVICE

I certify that on February 9, 2024, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ J. Christian Word
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